

# TWENTY-EIGHTH DAY

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MONDAY, MARCH 7, 2005

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## PROCEEDINGS

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The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Brian G. Fisher, Grace Bible Church, College Station, offered the invocation as follows:

Our most gracious, heavenly Father, we are grateful today that You grant us access to come boldly into Your presence to lay our requests before You. As the Psalmist said, "Even before there is a word on my tongue, behold, O Lord, You know it all." Yet You welcome our humble petitions. I pray that You would grant these men and women wisdom and discernment as they discharge their responsibilities and lead the people of our state. Make them of one mind for the good of our state and for Your glory. May You accomplish Your perfect will through them and bestow Your favor upon us as we honor You. We ask all of these things in Your precious and holy name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Thursday, March 3, 2005, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

### **CO-AUTHOR OF SENATE BILL 376**

On motion of Senator Madla, Senator Shapleigh will be shown as Co-author of **SB 376**.

### **CO-AUTHOR OF SENATE JOINT RESOLUTION 14**

On motion of Senator Seliger, Senator Duncan will be shown as Co-author of **SJR 14**.

**GUESTS PRESENTED**

Senator Whitmire was recognized and introduced to the Senate a delegation of the Ministry Advisory Council of Houston.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

March 7, 2005

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 231**, Relating to trial by special judge in civil and family law cases.

**HB 304**, Relating to conditions of employment for police officers employed by certain municipalities.

**HB 380**, Relating to oil and gas well plugging insurance policies.

**HB 774**, Relating to the Interstate Pest Control Compact.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 84**.

**PHYSICIAN OF THE DAY**

Senator Shapiro was recognized and presented Dr. N. Christopher Lawrence of McKinney as the Physician of the Day.

The Senate welcomed Dr. Lawrence and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**SENATE RESOLUTION 300**

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in joining the alumni of Leadership Southeast Texas in designating March 7, 2005, Leadership Southeast Texas Day at the State Capitol; and

WHEREAS, Leadership Southeast Texas is a program of Partnership of Southeast Texas, a regional economic development corporation; the counties of Chambers, Hardin, Jasper, Jefferson, Liberty, Newton, Orange, and Tyler and the Bolivar Peninsula of Galveston County comprise the Southeast Texas region; and

WHEREAS, Leadership Southeast Texas is an educational program designed to identify and motivate leaders in the Southeast Texas region and to provide opportunities for leadership development while contributing to regional economic advancement; and

WHEREAS, This exemplary program boasts an impressive membership of 540 graduates who currently reside and work in 65 cities in Texas, in 22 states in the United States, including Alaska and Hawaii, and in five foreign countries; its members serve as ambassadors for Southeast Texas and the entire Lone Star State; and

WHEREAS, Leadership Southeast Texas promotes better understanding of Southeast Texas and public awareness of its strengths and weaknesses, the obstacles and opportunities for its economic development, its regional unity, and the quality of life of its citizens; and

WHEREAS, Leadership Southeast Texas identifies and studies timely issues that are of significance to the area's ongoing business development; the program encourages innovative approaches to addressing these issues, as well as professional interaction and communication between the region's citizens and our state's prominent leaders; and

WHEREAS, Leadership Southeast Texas Day in Austin provides an opportunity for alumni to gather at the Capitol and celebrate the achievements of the citizens of Southeast Texas; it is a privilege for the Senate to recognize these civic-minded men and women of the Lone Star State for their substantial contributions to the betterment of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby declare March 7, 2005, Leadership Southeast Texas Day at the State Capitol and extend to the visiting delegation best wishes for a productive and celebratory event; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the alumni of Leadership Southeast Texas as an expression of high regard from the Texas Senate.

**SR 300** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Williams was recognized and introduced to the Senate Dennis Isaac representing DuPont, Ann Galassi representing the Sabine River Authority, Laura Wilson representing Chambers-Liberty County Economic Development Corporation, Patricia Shenefelt representing ExxonMobil Corporation, and Vernon Pierce representing Entergy Corporation, accompanied by a delegation representing Leadership Southeast Texas Day at the State Capitol.

The Senate welcomed its guests.

**SENATE RESOLUTION 321**

Senator Deuell offered the following resolution:

WHEREAS, Citizens from Kaufman County are celebrating Kaufman County Day at the State Capitol on March 7, 2005; and

WHEREAS, Kaufman County was originally inhabited by Cherokee and Caddo Indians; the first Anglo settlement, King's Fort, was established by William P. King and 40 Mississippi pioneers in 1840; Kaufman County was created from Henderson County in 1848, and three years later King's Fort was selected as its county seat and renamed Kaufman, in honor of David Spangler Kaufman, a member of the Texas Legislature and the United States Congress; and

WHEREAS, Located in Northeast Texas, Kaufman County is blessed with the fertile soil of the Blackland Prairie, an attribute that attracted early settlers to the area from across the southern United States; today's residents continue to take advantage of this enduring natural resource, cultivating an agriculture industry worth nearly \$30 million; and

WHEREAS, The county is home to two higher education facilities, Southwestern Christian College and Trinity Valley Junior College, as well as cultural attractions such as the Number One British Flying Training School Museum and the Terrell Heritage Museum; and

WHEREAS, Known as the "Red Tail Hawk Capital of Texas," Kaufman County offers year-round festivities and outdoor recreation for local residents and tourists alike; in addition, *Progressive Farmer* magazine recently named the region as one of the top 10 counties in the Southwest United States in which to live; and

WHEREAS, Kaufman County has long been an outstanding place in which to live, work, and raise a family, and the community and its citizens merit special commendation for their contributions to the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby recognize March 7, 2005, as Kaufman County Day at the State Capitol and extend to the visitors from Kaufman County best wishes for an enjoyable and informative stay in Austin.

**SR 321** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a delegation of citizens from Kaufman County.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate Florentino Gamueda IV, serving today as an Honorary Senate Page, accompanied by his father, Florentino Gamueda III of Lubbock.

The Senate welcomed its guests.

**SENATE RESOLUTION 323**

Senator Staples offered the following resolution:

WHEREAS, After 27 years of dedicated service, Larry Mayo retired from the *Palestine Herald-Press* in December 2004, and his retirement provides a fitting opportunity to reflect on his lifelong commitment to Texas journalism; and

WHEREAS, Mr. Mayo settled in Palestine after serving as human resources director for the *Dallas Times-Herald*; he was hired as general manager of the *Palestine Herald-Press* in 1977, and under the careful tutelage of former publisher Wayne Sellers, he learned the needs of Palestine's readers and assumed the role of the newspaper's publisher himself three years later; and

WHEREAS, During his illustrious tenure, this hardworking newsman oversaw the expansion of Palestine's paper from a small daily with a circulation of 3,500 to a regional center of production responsible for printing four daily newspapers, four weeklies, and a variety of commercial printing ventures; in 1984, he guided the mammoth task of converting the *Herald-Press* to a computerized operation, and today the newspaper continues to remain up-to-date through its use of state-of-the-art technology; and

WHEREAS, In addition to his work with the *Palestine Herald-Press*, Mr. Mayo has shared his leadership skills with such notable organizations as the TXStar Cluster, consolidating the group's six dailies and overseeing their distribution to 35,000 households in East Texas; and

WHEREAS, Committed to his community as well, Mr. Mayo also volunteered his time as president of the Rotary Club, the YMCA, and the United Way and as a board member of the Palestine Area Chamber of Commerce; moreover, he currently serves on the board of the Texas Daily Newspaper Association; and

WHEREAS, Retirement from an outstanding career in the newspaper business will mark a new chapter for Larry Mayo; he intends to spend time traveling with his loving wife, Nancy, visiting his five adult children, and working and fishing on his farm on Lake Palestine, and he will no doubt take great pleasure in enjoying the handiwork of others as he reads the daily paper; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby congratulate Larry Mayo on his retirement from the *Palestine Herald-Press* and extend to him sincere best wishes for continued happiness; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Mr. Mayo as an expression of high regard by the Texas Senate.

**SR 323** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Staples was recognized and introduced to the Senate Larry Mayo, accompanied by a delegation of citizens from Palestine.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate a delegation representing the Texas Pest Control Association.

The Senate welcomed its guests.

### **SENATE RESOLUTION 333**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to congratulate the Wilson Memorial Hospital District on the opening of the Connally Memorial Medical Center in Floresville and to recognize all attending its ribbon-cutting ceremony on March 7, 2005; and

WHEREAS, The new medical center will better serve the community by offering a wider range of services than the current hospital; its facilities include a larger emergency department, two operating rooms and an intensive care unit with the latest state-of-the-art lifesaving equipment, which will allow more critically ill patients to be treated locally; a new Decontamination Area will facilitate community response to bio-terrorism and other potential environmental disasters; and

WHEREAS, The hospital is named in honor of the veterans who have made personal sacrifices to support and defend our country and as a tribute to the visionary leadership and life work of John Bowden Connally, Jr., Merrill Lee Connally and Wayne Wright Connally, all Floresville natives who dedicated their lives to public service and made substantial contributions to our state and nation; and

WHEREAS, The leadership of the Wilson Memorial Hospital District recognized the need for improved health-care facilities and services for the citizens of Floresville and the surrounding communities, and the new medical center is the fulfillment of the district's commitment and evidence of what members of a community working together can achieve; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the administrators, staff and medical professionals of the Wilson Memorial Hospital District and of the new Connally Memorial Medical Center for their hard work to improve the health and well-being of the community and extend best wishes to all for the future; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the opening of the Connally Memorial Medical Center.

**SR 333** was read and was adopted without objection.

### **SENATE RESOLUTION 299**

Senator Seliger offered the following resolution:

**SR 299**, In memory of Seth Huston of Perryton.

The resolution was read.

Senator Seliger was recognized and introduced to the Senate Steve and Renee Huston, parents of Seth Huston.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Ogden and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Seliger, **SR 299** was adopted by a rising vote of the Senate.

In honor of the memory of Seth Huston of Perryton, the text of the resolution is printed at the end of today's *Senate Journal*.

**SENATE RULE 11.18(a) SUSPENDED  
(Public Hearings)**

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Education might consider **SB 493** tomorrow.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 305** by Brimer, In memory of Dwaine A. Johnson of Fort Worth.

**SR 307** by West, In memory of Betty Jo Hay of Dallas.

**SR 314** by Ellis, In memory of Robert O. Dawson of Austin and Fentress.

**SR 318** by Barrientos, In memory of William Alton "Bill" Willms of Austin.

**SR 330** by Van de Putte, In memory of Jose Guadalupe Jimenez of San Antonio.

**Congratulatory Resolutions**

**SR 301** by Williams, Congratulating Katherine Kuhns of Conroe for her selection as a Distinguished Finalist for 2005 in the Prudential Spirit of Community Awards program.

**SR 302** by Williams, Congratulating Ashley Gerich of New Caney for her selection as a Distinguished Finalist for 2005 in the Prudential Spirit of Community Awards program.

**SR 303** by Deuell, Recognizing Mildred H. Burnett of Bonham on the occasion of her 94th birthday.

**SR 304** by Brimer, Recognizing Spring Creek Restaurants Company on the occasion of its 25th anniversary.

**SR 306** by Brimer, Congratulating Given Kachepa of Colleyville for his selection as a State Honoree for 2005 in the Prudential Spirit of Community Awards program.

**SR 308** by Armbrister, Recognizing Alfred N. Poindexter on the occasion of his retirement.

**SR 312** by Zaffirini, Honoring the life of Maria Martinez Moreno for her commitment to human rights.

**SR 313** by Ellis, Recognizing Melbony Bateman Pink of Houston on the occasion of her 90th birthday.

**SR 315** by Lindsay, Commending Jared Weldon Smith of Spring for achieving the rank of Eagle Scout.

**SR 316** by Lindsay, Commending Jacob Edward Corona of Houston for achieving the rank of Eagle Scout.

**SR 317** by Eltife, Recognizing Jarvis Christian College on the occasion of its Founder's/Homecoming Week.

**SR 327** by Janek, Recognizing Pilgrim Rest Missionary Baptist Church in Houston on the occasion of its 140th anniversary.

**SR 328** by Van de Putte, Recognizing Maria Hernandez Ferrier for her contributions to the field of education.

**SR 329** by Van de Putte, Recognizing Gregorio "Greg" Flores III for his contributions to the San Antonio community.

**HCR 20** (Eltife), Congratulating J. Lindsey Bradley, Jr., on his receipt of the 2004 Earl M. Collier Award for Distinguished Health Care Administration.

### **Official Designation Resolution**

**SR 297** by Janek, Recognizing May 23-30, 2005, as National Beach Safety Week in Texas.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 2:14 p.m. adjourned, in memory of Seth Huston of Perryton and in memory of the lives of former Governor John Connally, Jr., former Senator Wayne Connally, and former Wilson County Judge Merrill Connally, until 11:00 a.m. tomorrow.

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## **APPENDIX**

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### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

March 7, 2005

EDUCATION — **CSSB 81, SB 75, SB 296**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 143, SB 144, SB 212**

INTERGOVERNMENTAL RELATIONS — **CSSB 267, CSSB 342**

### **SIGNED BY GOVERNOR**

March 1, 2005

**SCR 3**



**In Memory  
of  
Seth Huston  
Senate Resolution 299**

WHEREAS, The Senate of the State of Texas joins citizens of Perryton and of Texas in mourning the death of United States Marine Corps Lance Corporal Seth Huston, who was killed during a firefight in the Al Anbar province in Iraq on August 21, 2004; and

WHEREAS, Seth Huston joined the United States Marine Corps in June of 2003; he was assigned to the 2nd Battalion, 1st Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force at Camp Pendleton, California, and was deployed to Iraq in March; and

WHEREAS, Seth decided to become a Marine in the 10th grade and never wavered in this decision; the tragedy of September 11 only strengthened his resolve and, after he graduated from Perryton High School in 2003, he enlisted in the Marine Corps; and

WHEREAS, Seth Huston was unwavering in his devotion to duty, and this man of strength and integrity gave unselfishly for the betterment of our country; and

WHEREAS, Lance Corporal Huston will be remembered for his enthusiasm for life and his love of the outdoors; his memory will long be cherished by his family and friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby honor the life of Lance Corporal Seth Huston and extend deepest sympathy to the members of his family: his mother and father, Renee and Steve Huston; his brothers, Steven William Huston and Heath Marshall Huston; and his grandparents, William and Lois Huston and Tom and Marie Leavens; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the family of Seth Huston as an expression of profound regret from the Texas Senate, and that when the Senate adjourns this day, it do so in his memory.

SELIGER

